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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ERIC L. ASPLIND

Plaintiff,

v.

ASSET ACCEPTANCE, LLC.

Defendant

Case No.

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here.

PARTIES

4. Plaintiff Eric L. Asplind, (hereinafter “Plaintiff”) is a natural person who resides in the City of Bend, State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Asset Acceptance, LLC. (hereinafter “Defendant”) operating from an address of 28405 Van Dyke Avenue, Warren MI 48093 is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Plaintiff obtained a Bank One credit card for his personal, family or household use.

7. Bank One sold, assigned, or otherwise transferred the account to Defendant.

8. Plaintiff has not used or made a payment on the Bank One credit card in the past 10 years.

9. In 2006 Plaintiff received collection notices from Defendant for the debt owed to Bank One.

10. In 2007 Defendant brought a claim against Plaintiff in the Deschutes County Court for the State of Oregon. Plaintiff, by and through his attorney, contested the claim as Defendant failed to name the original creditor, the amount borrowed, the date of the last payment, and the interest rate on the account in its complaint.

11. Plaintiff believed the debt Defendant was collecting was outside the statute of limitations and was the debt owed to Bank One.

12. The case Defendant brought against Plaintiff was subsequently dismissed as Defendant could not validate the debt it claimed Plaintiff owed.

13. In 2008 Defendant sent collection notices directly to Plaintiff for the Bank one account while Plaintiff was represented by his attorney.

14. Plaintiff received collection calls from Defendant each month from 2008 to the present while represented by his attorney.

15 As a direct and proximate result of Defendant's actions, Plaintiff has suffered actual damages in the form of emotional distress, anger, anxiety, frustration, among other negative emotions.

TRIAL BY JURY

16. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

18. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692c(a)(2), 1692d, 1692d(5), 1692e, 1692e(2)A, 1692e(10), 1692f.

19. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual

damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant;

DATED: October 12, 2009

/s/ Eric Olsen OSB# 783261 for
Keith D. Karnes
OSB # 03352
503-362-9393
Attorney for Plaintiff